

David A. Bahr (Oregon Bar No. 90199)
Bahr Law Offices, P.C.
1035 ½ Monroe Street
Eugene, OR 97402
(541) 556-6439
davebahr@mindspring.com

Elena Saxonhouse (California Bar. No. 235139)
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
(415) 977-5765
(415) 977-5793 (facsimile)
Elena.Saxonhouse@Sierraclub.org

Attorneys for Plaintiffs

MELINDA HAAG (CSBN 132612)
United States Attorney
ALEX TSE (CSBN 152348)
Acting Chief, Civil Division
ABRAHAM A. SIMMONS (CSBN 146400)
Assistant United States Attorney
450 Golden Gate Avenue, 9th Floor
San Francisco, California 94102-3495
Telephone: (415) 436-7264
Facsimile: (415) 436-6748
Email: abraham.simmons@usdoj.gov

Attorneys for Federal Defendant



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**THE SIERRA CLUB and ENVIRONMENTAL
INTEGRITY PROJECT,**

Plaintiffs,

vs.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,**

Defendant.

Case No. C-11-0846-MEJ

**SECOND SUPPLEMENTAL JOINT CASE
MANAGEMENT REPORT**

1 This is an action brought by Plaintiffs pursuant to the Freedom of Information Act, 5 U.S.C. §
2 552, to compel production of documents. The information request upon which this suit is based, sought
3 information submitted to defendant relating to the operations of coal-fired power plants owned by the
4 Luminant Corporation.

5 After the parties completed briefing cross-motions for summary judgment, but before oral argu-
6 ment on same, on May 20, 2012, the Court vacated the scheduled hearing and ordered the parties to
7 meet and confer in her chambers on May 30, 2012. Dkt. No. 50. After fruitful discussion in chambers,
8 the parties agreed to continue with informal settlement discussions in an effort to resolve this matter
9 without further litigation. Accordingly, the parties engaged in a number of direct and informal settlement
10 conference calls and have exchanged a settlement proposal. Additionally, as the Parties informed the
11 Court, recent EPA enforcement activities involving Luminant have impacted EIP and Sierra Club's in-
12 terest in the documents at issue in this matter. Because the parties required additional time in which to
13 explore possible resolution of this case, when they reported back to the Court on September 20, 2012,
14 they requested that the case be stayed until November 21, 2012 by which time they would inform the
15 Court of the status of their settlement efforts. Dkt. No. 52. The Court so ordered. Dkt. No. 53.

16 The parties reported to the court on November 21, 2012, that they desired additional time to ex-
17 plore a possible settlement of this case. Dkt. No. 54. Accordingly, the Court set December 21, 2012 as a
18 deadline for the parties to report their progress in this regard. Dkt. No. 55.

19 The parties have continued their dialogue and are closer to a general consensus on how to settle
20 the case. However, the parties require additional time to negotiate the details of the settlement terms and
21 obtain approval for a final settlement from their respective organizations. They therefore desire addi-
22 tional time in which to explore a negotiated resolution to this dispute.

1 Accordingly, the parties request that they be provided an additional 60 days in which to attempt
2 to conclude their settlement negotiations and report back to the Court on the status of same no later than
3 February 21, 2013.

4 Respectfully submitted for the Court's consideration, this 19th day of December, 2012.

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6 MELINDA HAAG
United States Attorney

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8 s/ David Bahr
David Bahr (Oregon Bar No. 901990)
9 Bahr Law Offices, P.C.
10 1035 ½ Monroe Street
Eugene, OR 97402
11 (541) 556-6439
davebahr@mindspring.com

s/ Abraham Simmons
ABRAHAM SIMMONS
Assistant United States Attorney
Attorneys for Federal Defendant